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Attorneys for Defendant  
RAMESH “SUNNY” BALWANI

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
RAMESH “SUNNY” BALWANI,  
  
Defendant.

Case No. 18-CR-00258-EJD

**DECLARATION OF JEFFREY B.  
COOPERSMITH RE: DEFENDANT  
RAMESH “SUNNY” BALWANI’S  
MOTION TO ALLOW CROSS-  
EXAMINATION RELATING TO  
DR. ADAM ROSENDORFF’S POST-  
THERANOS EMPLOYMENT**

Judge: Honorable Edward J. Davila

**DECLARATION OF JEFFREY B. COOPERSMITH**

I, Jeffrey B. Coopersmith, declare as follows:

1. I am lead counsel for defendant Ramesh “Sunny” Balwani, an attorney admitted to practice in the State of California, a partner at the law firm of Orrick, Herrington & Sutcliffe LLP, and counsel of record for Mr. Balwani. I submit this declaration in support of Mr. Balwani’s motion to allow cross-examination relating to Dr. Adam Rosendorff’s post-Theranos employment.

2. Attached as **Exhibit 1** is a true and correct copy of a January 22, 2015 At-Will Employment, Confidential Information, Invention Assignment and Arbitration Agreement between Invitae Corporation and Dr. Adam Rosendorff, marked as Trial Exhibit (“TX”) 20447.

3. Attached as **Exhibit 2** is a true and correct copy of an August 28, 2017 separation agreement between Invitae Corporation and Dr. Adam Rosendorff, marked as TX 20346, redacted to protect personal information.

4. Attached as **Exhibit 3** is a true and correct copy of Invitae Corporation’s November 9, 2021 Quarterly Report pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 (Form 10-Q) for the quarterly period ended September 30, 2021.

5. Attached as **Exhibit 4** is a true and correct copy of a March 31, 2022 email from government counsel (Robert Leach) to defense counsel (Molly McCafferty) titled “U.S. v. Balwani – Letter from J. Coopersmith.”

6. Attached as **Exhibit 5** is a true and correct copy of a March 18, 2021 press release by the United States Attorney’s Office for the Northern District of California titled “uBiome Co-Founders Charged With Federal Securities, Health Care Fraud Conspiracies,” marked as TX 20420.

7. Attached as **Exhibit 6** is a true and correct copy of a February 19, 2021 notice from the California Department of Public Health to Dr. Adam Rosendorff and Timothy Bow, marked as TX 20347.

9. Attached as **Exhibit 8** is a true and correct copy of a May 6, 2021 notice from the Centers for Medicare & Medicaid Services to Dr. Adam Rosendorff, marked as TX 20349, redacted to protect personal information.

I declare under penalty of perjury that the foregoing is true and correct.

*/s/ Jeffrey B. Coopersmith*  
JEFFREY B. COOPERSMITH